IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 623 OF 2005

IN

FIRST APPEAL NO. 139 OF 2000

THE STATE OF GOA & ANR. ....Applicants

Versus

SHRI MARIANO F.DAS SANTAS ALAMS NORONHA ....Respondent

Ms. S. Linhares, Addl. Govt. Advocate for the applicants.

Coram:- SMT. RANJANA DESAI, J.

Date:- 6th July, 2006

P.C.

Heard the learned Counsel for the applicants. The respondent is served. However, neither the respondent nor his Counsel is present.

In this civil application, the applicants have stated that the instant appeal was taken up with the Lok Adalat held on 19.7.03 in this Court and the market rate was modified to Rs.15/- per sq. metre. The applicant/State had deposited a sum of Rs.14,000/- in this Court. On the basis of the calculations made, the respondent is entitled to a sum of Rs.9,550/- and the balance amount of Rs. 4,450/- has to be refunded to the applicants out of the said deposited amount. The applicants have, therefore, prayed that a sum of Rs.4,450/- and the proportionate accrued interest thereon may be paid to the applicants-State by drawing cheque/DD in favour of the applicants.

By order dated 13.10.05, this Court had directed the Registrar of

this Court to examine the correctness of the statement annexed to the application and to submit his report within two weeks from the date of the order. Accordingly, the Registrar submitted his report dated 25.10.05. As per this report, the amount to be refunded to the State is Rs.2,588/- and not Rs.4,450/-. The learned Counsel for the applicants does not dispute the correctness of the Registrar's report. In the circumstances, a sum of Rs.2,588/- is directed to be refunded to the applicants by drawing a cheque/DD in the name of Executive Engineer, WD.IX, PWD, Fatorda, Margao-Goa. The civil application is disposed of.

SMT. RANJANA DESAI, J.

ssm.